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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,785	09/27/2005	Martin Habel	HABEL, M. ET AL- 1	1820
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WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER ESTRADA, ANGEL R				
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/550,785

Applicant(s)

HABEL ET AL.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10-19, 26, 27, 30-33, 35-39, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 9, 20-25, 28, 29, 34, 40 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) \*
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) \*
- Paper No(s)/Mail Date 9/27/05.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on September 27, 2005 has been considered by the Examiner.

### ***Claim Objections***

2. Claims 1, 2, 9, 12, 13, 14, 17, 20, 25, 29, 37, 40 and 43 are objected to because of the following informalities:

Claim 1 line 7, "the frame openings", lacks antecedent basis.

Claim 1 line 11, "the region of the side walls", lacks antecedent basis.

Claim 1 line 15, "the bush surface", lacks antecedent basis.

Claim 2 line 2, "the frame openings (24)", confusing and unclear. Claim 1 mentions a "frame openings (28)".

Claim 9 line 4, "the filler material", lacks antecedent basis.

Claim 12 line 3, "the closed join", lacks antecedent basis.

Claim 13 line 2-3, "the sides that lie opposite one another", lacks antecedent basis.

Claim 14 lines 2-3, "catch projections", lacks antecedent basis.

Claim 17 lines 4-5, "their thin -walled wall parts", lacks antecedent basis.

Claim 20 lines 2-3, "the essentially rectangular retaining frame", lacks antecedent basis.

Claim 25 lines 6-7, "the free end of the spring stay", lacks antecedent basis.

Claim 29 line 5, "the closure piece", lacks antecedent basis.

Claim 37 line 3, "the closed join", lacks antecedent basis.

Claim 40 line 5-6, "the free end of the spring stay", lacks antecedent basis.

Claim 43 line 2, "the catch cam", lacks antecedent basis.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 10, 13-19, 26, 27, 30-33, 35, 38, 39, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Beele (US 4,702,444).

Regarding claim 1, Beele discloses a device (see figure 1) for covering and sealing a hole through a wall intended for leading cables through the latter, having a retaining frame (1) that can be fastened the edge hole through the wall and several bushes (2,3) made of elastomer material, at least one part of which is provided with at least one passage opening (5) for a cable, wherein frame openings are open on one side for insertion of the bushes (2,3), and that at least one of the bushes that can be inserted into the frame openings, each instance, can be fixed place the insertion direction, in the region of side walls that delimit the frame opening (see figure 1), and wherein the side walls of the frame openings (1) are provided with catch depressions (8)

for accommodating catch organs (7) that project laterally, partially above the bush surface (see figures 1, 2, 5 and 6; or column 3 lines 23-25).

Regarding claim 2, Beele discloses the device (see figure 1), wherein the frame openings (see figure 1) are open crosswise to the passage opening (see figure 1).

Regarding claim 3, Beele disclose the device (see figure 1) wherein the at least one bush (2,3) can be arrested in the insertion direction (see figure 1).

Regarding claim 5, Beele discloses the device (see figure 1) wherein the bushes are provided with lateral catch depressions (7) or catch edges for accommodating catch organs (8) on the side walls that project inward, partially above the side walls (see figure 1, 2, 5 and 6; or column 3 lines 23-25).

Regarding claim 6, Beele disclose the device (see figure 1) wherein the catch organs (7) are embedded at least partially in the bush material (see figures 5 and 6).

Regarding claim 7, Beele discloses the device (see figure 1) wherein the catch organs (7) are configured to be bendably elastic (see figures 5 and 6).

Regarding claim 8, Beele discloses the device (see figure 1), wherein the catch organs (7) consist of a rigid or rigid elastic component embedded the bush material, preferably made of plastic or metal (see figures 5 and 7).

Regarding claim 10, Beele discloses the device (see figure 1) wherein at least one part the bushes (2,3) consists two bush halves (14,15; see figures 5 and 6) that face one another side passage opening, and mutually complement one another, preferably configured with mirror symmetry (see figures 5 and 6), which have catch organ or a catch depression (7) on sides facing away from one another, in each instance (see figures 5 and 6).

Regarding claim 13, Beele disclose the device (see figure 1) wherein the sides that opposite one another (see figure 2), the side walls delimit the frame openings are oriented parallel to one another (see figure 2).

Regarding claim 14, Beele discloses the device (see figure 1) wherein the catch depressions or catch projections (8) assigned to the frame openings lie opposite one another as mirror images on the related side walls (see figure 2).

Regarding claim 15, Beele disclose the device (see figure 1) wherein the passage openings of the bushes (2,3) are disposed outside the center in the insertion direction, forming two wall parts of unequal thickness (see figures 1, 5 and 6).

Regarding claim 16, Beele discloses the device (see figure 1), wherein the catch organs (7) of the bushes (2,3) are asymmetrically disposed on the side of the thicker (see figures 5 and 6)

Regarding claim 17, Beele disclose the device (see figure 1) wherein two bushes (2,3) in each instance, are disposed a frame opening (see figure 1), such a manner that they rest against one another with their thin-walled wall parts and face away from one another with their thick wall parts (see figure 1).

Regarding claim 18, Beele disclose the device (see figure 1) wherein only one bush (2) can be arrested in each frame opening, in each instance, with the side walls the frame opening (see figure 1).

Regarding claim 19, Beele discloses the device (see figure 1) wherein the retaining frame (1) be screwed onto an edge of the hole through the wall (see figure 1).

Regarding claim 26, Beele discloses the device (see figure 1), wherein the catch organs (7) are embedded in one of the bush halves in each instance, as components that are separated from one another (see figures 5 and 6).

Regarding claim 27, Beele disclose the device (see figure 1), wherein the catch organs (7) are connected with one another by way of a connecting stay that penetrates or surround the bush (see figures 5 and 6).

Regarding claim 30, Beele discloses a bush fort a cable for a cable lead-through device (see figure 1) having a retaining frame cable lead-through (1) provided with frame openings, which consists of elastomer material (2,3; see figure 1) and is provided with at least one passage opening (5) for a cable, comprising two catch organs (7) that project beyond the bush surface towards opposite sides (see figure 5, 6), which can engage into catch depressions (8) in the side walls of the frame openings (see figure 1)

Regarding claim 31, Beele discloses the bush wherein the catch organs (7) are least partially embedded in the bush material (see figures 5 and 6).

Regarding claim 32, Beele discloses the bush wherein the catch organs (7) are configured to be bendably elastic (see figure 5 and 6).

Regarding claim 33, Beele discloses the bush wherein the catch organs (7) consist of a rigid or rigid elastic component embedded the bush material, preferably made of plastic metal (see figures 5 and 6).

Regarding claim 35, Beele discloses the device (see figure 1) wherein it consists two bush halves (14,15; see figures 5 and 6) that face one another side passage opening, and mutually complement one another, preferably configured with mirror

symmetry (see figures 5 and 6), which have catch organ or a catch depression (7) on sides facing away from one another, in each instance (see figures 5 and 6).

Regarding claim 38, Beele disclose the device (see figure 1) wherein the passage opening is disposed outside the center, forming two wall parts of unequal thickness (see figures 1, 5 and 6).

Regarding claim 39, Beele discloses the device (see figure 1), wherein the catch organs (7) are disposed on the side of the thicker wall part (see figures 5 and 6).

Regarding claim 41, Beele discloses the device (see figure 1), wherein the catch organs (7) are embedded in the bush material as components that are separate from one another (see figures 5 and 6).

Regarding claim 42, Beele disclose the device (see figure 1), wherein the catch organs (7) are connected with one another by way of a connecting stay that penetrates or surround the bush (see figures 5 and 6).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein



were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11, 12, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beele (US 4,702,444) in view of Joh. Vaillant GmbH (DE 91,01257; hereinafter Vaillant).

Regarding claim 11, Beele discloses the claimed invention except for the bush halves being connected with one another by a hinge. Vaillant teaches a device (see figure 1) having bush halves (see figure 1) being connected with one another, at one join, preferably in one, piece, hinge-like manner, and are open on side lies opposite the join, forming an edge opening (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the halves connected to each other by a hinge as taught by Vaillant to provide means that would facilitate the connection between the halves.

Regarding claim 12, the modified Beele disclose the device, wherein the bush halves (2,3) have a film hinge (10 as taught by Vaillant) at the closed join (as taught by Vaillant).

Regarding claim 36, Beele discloses the claimed invention except for the bush halves being connected with one another by a hinge. Vaillant teaches a device (see figure 1) having bush halves (see figure 1) being connected with one another, at one join, preferably in one, piece, hinge-like manner, and are open on the opposite join),

forming edge opening that leads passage opening (see figure 1).. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the halves connected to each other by a hinge as taught by Vaillant to provide means that would facilitate the connection between the halves.

Regarding claim 37, the modified Beele disclose the device, wherein the bush halves (2,3) have a film hinge (10 as taught by Vaillant).

***Allowable Subject Matter***

5. Claims 9, 20-25, 28, 29, 34, 40 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 9, 20-25, 28, 29, 34, 40 and 43 are:

Regarding claim 9, the prior art does not teach or fairly suggest in combination with the other limitations of the device wherein a cavity assigned to the catch organ is disposed within the filler material, into which the catch organ dips temporarily during the engagement process.

Regarding claims 20-24, the prior art does not teach or fairly suggest in combination with the other limitations the rectangular retaining frame having two closed narrow side edges and one closed broad side edge, while the opposite broad side edge open wherein the retaining with fixation tabs project towards through the wall, and can

be arrested hole through the wall, region closed narrow edges frame provided the side of the hole edge

Regarding claims 25, 28 and 29, the prior art does not teach or fairly suggest in combination with the other limitations the device wherein the catch organs have a spring stay that is oriented parallel to the sidewall of the bush or the bush halves which can be bent into a cavity in the bush material, in spring –like manner, and a catch cam that is molded onto the free end of the spring stay.

Regarding claim 34, the prior art does not teach or fairly suggest in combination with the other limitations the device wherein a cavity configured within the bush material, into which the catch organ can bent during engagement process.

Regarding claim 40, the prior art does not teach or fairly suggest in combination with the other limitations the device wherein the catch organs have a spring stay that is oriented parallel to two opposite side walls, which can be bent into a cavity in the bush material, and a catch cam that is molded onto the free end of the spring stay

Regarding claim 43, the prior art does not teach or fairly suggest in combination with the other limitations the device wherein the catch cam has a run-up incline and a catch surface that follows run-up incline, by way of a catch edge.

These limitations are found in claims 9, 20-25, 28, 29, 34, 40 and 43, and are neither disclosed nor taught by the prior art of record, alone or in combination.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blomqvist (US 4,677,253), Brattberg (US 3,489,440), Newman (US 3,742,119), Graver et al (US 4,771,136), Evans (US 3,682,422), Twist et al (US 4,919,372), Beele (US 5,108,060), Kreutz (US 6,521,840), Kato (US 6,717,055), Beele (US 7,005,579), Misuraca (US 3,592,427) and Walker (US 3,397,431) disclose a device for covering and sealing a hole.

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

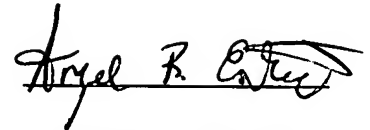
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 29, 2006

A handwritten signature in black ink, appearing to read "Angel R. Estrada", with a stylized flourish at the end.

Angel R. Estrada  
Primary Examiner  
Art Unit: 2831